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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,733	08/28/2000	Hiroaki Kawamichi	NIT-228	5717

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EXAMINER	
ALI, SYED J	

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/648,733	KAWAMICHI ET AL.	
	Examiner	Art Unit	
	Syed J. Ali	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 12, 2006 has been entered. Claims 28-35 are presented for examination.

2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Objections

3. **Claim 35 is objected to because of the following informalities:**

a. In line 3 of claim 35, "Tag" should not be capitalized, i.e. should read "tag." Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. **Claims 28-31 and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Koizumi et al. (USPN 4,789,986) (hereinafter Koizumi).**

5. As per claim 28, Koizumi teaches the invention as claimed, including a data coincident method among elements which connect with other elements located in a nearby area (col. 1 lines 7-11), comprising the steps of:

a first step for determining whether or not a previously defined event as a starting trigger of a coincidence processing has occurred with respect to one of said elements (col. 3 lines 4-10; col. 4 lines 11-21);

a second step for acquiring a group of said elements corresponding to said one of said elements if said previously defined event has occurred at the first step (col. 3 lines 10-13; col. 4 lines 13-66);

a third step for transmitting a coincidence request to said group of elements if said previously defined event has occurred at the first step (col. 5 lines 1-14);

a fourth step for said elements to transmit a common data in response to said coincidence request at the third step (col. 5 lines 37-48);

a fifth step for determining whether or not said common data must be updated (col. 5 line 49 - col. 6 line 10); and

a sixth step for updating said common data using data held among a majority of said elements and returning to said first step (col. 6 lines 6-36),

whereby if all of the data are not coincident, coincidence processing is repeated until all of the data is coincident (col. 5 lines 14-19; col. 6 lines 33-36).

6. As per claim 29, Koizumi teaches the invention as claimed, including the data coincident method according to claim 28, wherein said majority is determined to be data obtained a largest number of times at the second step (col. 1 lines 26-29; col. 6 lines 14-29).

7. As per claim 30, Koizumi teaches the invention as claimed, including the data coincident method according to claim 28, wherein said previously defined event as a starting trigger of a coincidence processing is at least one of an entry or withdrawal of said one of said elements (col. 3 lines 4-13).

8. As per claim 31, Koizumi teaches the invention as claimed, including the data coincident method according to claim 28, wherein an acquisition of said group of said elements in the second step, is made by using a survival signal which each element periodically transmits through a transmission means attached to each element (col. 4 lines 13-46).

9. As per claim 33, Koizumi teaches the invention as claimed, including the data coincident method according to claim 28, further comprising after fourth step:

a seventh step for said elements to receive said common data (col. 5 lines 32-34, 53-58; col. 6 lines 6-36);

wherein only data obtained at the seventh step are used in a determination at fifth step (col. 5 line 49 - col. 6 line 29).

10. As per claim 34, Koizumi teaches the invention as claimed, including the data coincident method according to claim 28, wherein said previously defined event as a starting trigger of a coincident processing is an access to said common data (col. 3 lines 10-13).

11. As per claim 35, Koizumi teaches the invention as claimed, including the data coincident method according to claim 28, wherein each element has an integrated circuit (IC) tag attached and said common data is held by the IC tag of each element (col. 2 line 40 - col. 3 line 3).

Claim Rejections - 35 USC § 103

12. **Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koizumi.**

13. As per claim 32, Koizumi does not specifically teach said common data in the fifth step being an element's price or an element's effective term held in an integrated circuit (IC) tag attached on said element. However, Koizumi teaches storing data that is to be reconciled in a very general sense, i.e. any type of data is supported, depending on the particular needs of the environment in which it is implemented (col. 5 lines 37-48). It would have been obvious to one of ordinary skill in the art that the devices of Koizumi could store any type of data, including price, effective term, or whatever data is relevant to the particular problem to be solved.

Response to Arguments

14. **Applicant's arguments filed January 12, 2006 have been fully considered but they are not persuasive.**

15. Applicant argues that Koizumi is directed to a different field of endeavor than the claimed application, in that each device among a plurality of devices can select correct data from redundant data.

16. Applicant's arguments are not persuasive for several reasons. First, "[t]he question of whether a reference is analogous art is not relevant to whether that reference anticipates. A reference may be directed to an entirely different problem than the one addressed by the inventor, or may be from an entirely different field of endeavor than that of the claimed invention, yet the reference is still anticipatory if it explicitly or inherently discloses every limitation recited in the claims." *See State Contracting & Eng ' g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1068 (Fed. Cir. 2003).

Koizumi teaches collecting data items from disparate devices in response to an update to a data item on a particular device. Once the data is assembled, the data is compared and the correct data is selected by majority rule. The other devices then update the data items to bring the data into coincidence. In spite of the irrelevance of Applicant's "field of endeavor" argument, it is plain that Korizumi is directed to a substantially similar field of endeavor, i.e. reconciliation of data. Moreover, Korizumi teaches the same method steps claimed.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J. Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Syed Ali
March 30, 2006

SUPERVISORY PATENT EXAMINER